

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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BENNIE U. STAFFORD,

Civil No. 06-3916 (JRT/AJB)

Petitioner,

v.

Ramsey County Attorney: SUSAN GAERTNER,  
MARK LYSTIG, Judge: MARGARET  
MARRINAN, RAMSEY COUNTY ADULT  
SUPERVISION, DAWN BLOCK et al., MN. DOC  
COMMISSIONERS JOAN FABIAN, et al., JEFF  
CARLSON, LYNN DINGLE, MN STATE  
PUBLIC DEFENDERS OFFICE, et al.,

**ORDER AFFIRMING ORDER  
OF MAGISTRATE JUDGE**

Respondents.

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Bennie U. Stafford, #118547, MCF-Stillwater, 970 Pickett Street North,  
Bayport, MN 55003-1490, petitioner *pro se*.

Thomas R. Ragatz, Assistant Attorney General, **OFFICE OF THE  
MINNESOTA ATTORNEY GENERAL**, 445 Minnesota Street, Suite  
1800, St. Paul, MN 55101, for respondents.

This matter is before the Court on petitioner's appeal from the Order of United States Magistrate Judge Arthur J. Boylan dated October 26, 2006, denying petitioner's "motion to remove the U.S. Magistrate." Petitioner argues that the Magistrate Judge should be disqualified or removed based on bias, impartiality, or conflict of interest pursuant to 28 U.S.C. §§ 455(a) and (b)(1). A magistrate judge's order on nondispositive matters may be reversed only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. LR 72.2(a). The Magistrate Judge found that petitioner

provided no evidence supporting his claim and cited no justification for disqualification or recusal. Petitioner's appeal presents no new evidence to support his claim of bias, prejudice, or conflict of interest on the part of the Magistrate Judge. As such, the Court cannot say that the Magistrate Judge's Order was clearly erroneous or contrary to law. The Court therefore affirms the Order of the Magistrate Judge denying petitioner's motion.

## **ORDER**

Based on the foregoing, all the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that the Magistrate Judge's Order denying petitioner's motion for recusal [Docket No. 9] is **AFFIRMED**. The Clerk of Court is respectfully directed to mail a copy of this Order to petitioner.

DATED: December 11, 2006  
at Minneapolis, Minnesota.

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s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge